



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/803,015

03/17/2004

Kimihiro Kikuchi

9281-4762

5124

7590 06/08/2009
Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

EXAMINER

LAZORCIK, JASON L

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

06/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/803,015	Applicant(s) KIKUCHI, KIMIHIRO	
	Examiner JASON L. LAZORCIK	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/24/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 11-13 and 15-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 11-12, 15-18, 20, 24-26, and 28-30 is/are allowed.
- 6) ☒ Claim(s) 4, 13, 19, 21-23 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

Applicants reply dated March 24, 2009 amends independent claims 1 and 20, cancels claims 6-9 and 14, and adds new claims 23-30.

Claims 1-4, 11-13, 15-30 are pending in the application

Claims 5-10, and 14 have been cancelled by Applicant, and no claims have been withdrawn from consideration.

Therefore, Claims 1-4, 11-13, and 15-30 are pending for prosecution on the merits.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4, 13, 19, 21-23, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 4 recites the limitation "the extra amount" in lines 2-3 and claim 13 recites the limitation "the extra amount of optical-element material" in lines 4-5. There is insufficient antecedent basis for these limitations in the claims.

4. Claim 19 recites the limitation "the glass transition" and "the glass softening temperature" in lines 2 and 3. There is insufficient antecedent basis for these limitations in the claim.

Art Unit: 1791

5. Claims 21 and 22 recite the limitation "the press-molding die" in respective line 2 of each claim. There is insufficient antecedent basis for this limitation in the claim.

6. Claims 23 and 27 recite the limitation wherein "the diameters of plurality of micro-pores are several um to 100 um" in line 2. The term "several" employed in the instant range is a relative term which renders the claim indefinite. The term "several" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Response to Arguments

7. Applicant's arguments, see pages 8-9, filed March 24, 2009, with respect to the rejection of claims over Tanabe, Demerritt, and Neid have been fully considered and are persuasive. The noted rejection has been withdrawn.

Allowable Subject Matter

1. Claims 1-3, 11-12, 15-18, 20, 24-26, and 28- 30 are allowed.

2. Claims 4, 13, 19, 21, 22, 23 and 27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

3. The following is a statement of reasons for the indication of allowable subject matter:

4. After careful consideration, it is the Examiners assessment that the prior art of record fails to reasonably teach or suggest the method for making a holder/optical-

Art Unit: 1791

element assembly including all of the limitations as presently recited in independent claims 1 and 20.

5. That is, the references to Demeritt and Tanabe clearly demonstrate that it was known at the time of the invention to extrude a portion of an optical element material into a void part or recess space provided on the inner circumferential surface of an optical element holder during a press molding operation. Demeritt and Tanabe disclose an annular recess void part but are silent regarding the limitation wherein the void part is composed of a plurality of micro-pores which are serially connected in the manner presently recited in independent claims 1 and 20.

6. Although Neid generally teaches that it is known to provide a porous surface on a planar ceramic substrate to enhance interfacial adhesion between a ceramic substrate and a molten glass body, is the Examiners assessment that the recited invention constitutes a non-obvious advance over the collective prior art of record. Specifically, Neid is directed to a generally different class of materials, namely ceramics, having a generally planar geometry. After careful consideration and in view of the closest related of the prior art taken as a whole, it is the Examiners assessment that one of ordinary skill would not have reasonably arrived at the presently recited invention wherein the plurality of micro-pores are located on a void part on the inner circumferential surface of a cylindrical holder material as presently recited in independent claims 1 and 20.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 1791

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON L. LAZORCIK whose telephone number is (571)272-2217. The examiner can normally be reached on Monday through Friday 8:30 am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1791

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven P. Griffin/
Supervisory Patent Examiner, Art
Unit 1791

/J. L. L./
Examiner, Art Unit 1791

Search Notes (continued)

Application/Control No.

10/803,015

Examiner

JASON L. LAZORCIK

Applicant(s)/Patent under
Reexamination

KIKUCHI, KIMIHIRO

Art Unit

1791

SEARCHED

Class	Subclass	Date	Examiner

INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner

**SEARCH NOTES
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
Updated Search (see Search History)	5/27/2009	JLL